

Exhibit A

**Service of Process Transmittal Summary**

TO: Jon Leptich, Managing Counsel
Oxford Industries, Inc.
400 FAIRVIEW AVE N STE 488
SEATTLE, WA 98109-5371

RE: Process Served in California

FOR: Tommy Bahama R&R Holdings, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: REBECCA CASTILLO, an individual vs. TOMMY BAHAMA R&R HOLDINGS, INC.

CASE #: 25PSCV00624

PROCESS SERVED ON: C T Corporation System, GLENDALE, CA

DATE/METHOD OF SERVICE: By Process Server on 02/26/2025 at 12:51

JURISDICTION SERVED: California

ACTION ITEMS: CT will retain the current log

Image SOP

Email Notification, Mary Margaret Heaton MHeaton@oxfordinc.com

Email Notification, Elena Bowie ebowie@oxfordinc.com

Email Notification, Jon Leptich jon.leptich@tommybahama.com

Email Notification, Caroline Wood cwood@oxfordinc.com

REGISTERED AGENT CONTACT: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-401-8252
LargeCorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Wed, Feb 26, 2025
Server Name: Adriana Achucarro

Entity Served	TOMMY BAHAMA R&R HOLDINGS, INC.
Case Number	25PSCV00624
Jurisdiction	CA

Inserts		



SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO): TOMMY BAHAMA R&R HOLDINGS, INC., a
Delaware corporation; and DOES 1-10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE): REBECCA CASTILLO, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically FILED by
Superior Court of California,
County of Los Angeles
2/24/2025 3:38 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Gutierrez, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

WEST COVINA COURTHOUSE
1427 WEST COVINA PARKWAY
WEST COVINA, CA 91790

CASE NUMBER:
(Número del Caso):

25PSCV00624

Superior Court of California, County of Los Angeles

400 Civic Center Plaza

Downing, California 91766

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Joseph B. Manning, Jr. #223381

Manning Law, APC

26100 Towne Centre Drive, Foothill Ranch, CA 92610

DATE:

(Fecha) 02/24/2025

David W. Slayton, Executive Officer/Clerk of Court

Clerk, by

(Secretario)

A. Gutierrez

949-200-8755

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph R. Manning, Jr. SBN: 223381 Manning Law, APC 26100 Towne Centre Drive, Foothill Ranch, CA 92610 TELEPHONE NO.: 949-200-8755 FAX NO.: 866-843-8308 EMAIL ADDRESS: disabilityrights@manninglawoffice.com ATTORNEY FOR (Name): Rebecca Castillo		FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 2/24/2025 3:38 PM David W. Slayton, Executive Officer/Clerk of Court, By A. Gutierrez, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 400 Civic Center Plaza MAILING ADDRESS: 400 Civic Center Plaza CITY AND ZIP CODE: Pomona, CA 91766 BRANCH NAME: Pomona Courthouse		
CASE NAME: Rebecca Castillo v Tommy Bahama R&R Holdings, Inc., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 25PSCV00624 JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1; ONE
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may file and serve a notice of related case if you are the plaintiff or a party who is not a defendant in the case.)
Date: 02/10/2025
- Joseph R. Manning, Jr. #223381

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner
Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: Rebecca Castillo v Tommy Bahama R&R Holdings, Inc., et al.

CASE NUMBER

25PSCV00624

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE Rebecca Castillo v Tommy Bahama R&R Holdings, Inc., et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____
Wrongful Eviction (33)		<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)		<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer		Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Rebecca Castillo v Tommy Bahama R&R Holdings, Inc., et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

SHORT TITLE: Rebecca Castillo v Tommy Bahama R&R Holdings, Inc., et al.	CASE NUMBER
---	-------------

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 1008 East Merced Avenue
CITY: West Covina	STATE: Ca	ZIP CODE: 91790	

Step 5: Certification of Assignment: I certify that this case is properly filed in the East District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 03/06/2024


RTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ID # 18

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 02/25/2025 David W. Slayton, Executive Officer / Clerk of Court By: <u>K. Quach</u> Deputy
COURTHOUSE ADDRESS: West Covina Courthouse 1427 West Covina Parkway, West Covina, CA 91790		
PLAINTIFF: REBECCA CASTILLO		
DEFENDANT: TOMMY BAHAMA R&R HOLDINGS, INC., a Delaware corporation		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: 25PSCV00624

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 07/16/2025	Time: 8:30 AM	Dept.: 6
------------------	---------------	----------

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 3.37, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: 02/25/2025

Lynette Gridiron Winston
Judicial Officer

CERTIFICATE OF SERVICE Lynette Gridiron Winston / Judge

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☒ by depositing in the United States mail at the courthouse in West Covina, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☐ by personally giving the party notice upon filing of the complaint.

JOSEPH R. MANNING JR.
26100 Towne Center Drive
FOOTHILL RANCH, CA 92610

David W. Slayton, Executive Officer / Clerk of Court

Dated: 02/25/2025

By K. Quach
Deputy Clerk

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>		<p align="center">Reserved for Clerk's File Stamp</p> <p align="center">FILED Superior Court of California County of Los Angeles 02/24/2025 David W. Slayton, Executive Officer / Clerk of Court By: <u>A. Gutierrez</u> Deputy</p>
<p>COURTHOUSE ADDRESS: West Covina Courthouse 1427 West Covina Parkway, West Covina, CA 91790</p>		
<p align="center">NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</p>		
<p>Your case is assigned for all purposes to the judicial officer indicated below.</p>		<p>CASE NUMBER: 25PSCV00624</p>

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Lynette Gridiron Winston	6					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

on 02/24/2025

(Date)

David W. Slayton, Executive Officer / Clerk of Court

By A. Gutierrez, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: West Covina Courthouse 1427 West Covina Parkway, West Covina, CA 91790		FILED Superior Court of California County of Los Angeles 02/25/2025 David W. Styrba, Executive Officer / Clerk of Court By: <u>K. Quach</u> Deputy
PLAINTIFF(S): REBECCA CASTILLO		
DEFENDANT(S): TOMMY BAHAMA R&R HOLDINGS, INC., a Delaware corporation		
ORDER TO SHOW CAUSE HEARING		CASE NUMBER: 25PSCV00624

To the party / attorney of record:

You are ordered to appear for an Order to Show Cause Hearing on 07/16/2025 at 8:30 AM in department 6 of this court, West Covina Courthouse, and show cause why sanctions should not be imposed for:

☒ Failure to file proof of service.

Failure to comply or appear may result in sanctions pursuant to one or more of the following: California Rules of Court, rule 2.30 and rule 3.1340; Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.310, 583.360, 583.410, 583.420, 583.430; and Government Code section 68608.

☒ To avoid a mandatory appearance all required documents must be filed at least 5 days prior to the date of the hearing.



A handwritten signature in black ink, appearing to read "Lynette Gridiron Winston".

Dated: 02/25/2025

Lynette Gridiron Winston / Judge
Judicial Officer

ORDER TO SHOW CAUSE HEARING

Joseph R. Manning, Jr., Esq. (State Bar No. 223381)
MANNING LAW, APC
26100 Towne Centre Drive
Foothill Ranch, CA 92610
Office: (949) 200-8755
Fax: (866) 843-8308
DisabilityRights@manninglawoffice.com

Attorney for Plaintiff Rebecca Castillo

Electronically FILED by
Superior Court of California,
County of Los Angeles
2/24/2025 3:38 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Gutierrez, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

REBECCA CASTILLO, an individual,
Plaintiff,

v.

TOMMY BAHAMA R&R HOLDINGS,
INC., a Delaware corporation; and DOES
1-10, inclusive,
Defendants.

Case No.: 25PSCV00624

**Complaint For Damages And Injunctive Relief
For:**

- 1. Violations of the Americans with Disabilities Act
(42 U.S.C. § 12101, *et seq.*)**
- 2. Violations of the Unruh Civil Rights Act
(Cal. Civ. Code § 51, *et seq.*)**

Plaintiff REBECCA CASTILLO ("Plaintiff") alleges the following upon information and belief based upon investigation of counsel, except as to Plaintiff's own acts, which Plaintiff alleges upon personal knowledge:

INTRODUCTION

1. Plaintiff is a visually-impaired and legally blind person who requires screen-reading software ("SRS") to read website content using a computer. Plaintiff uses the terms "blind" or "visually-impaired" to refer to all people with visual impairments who meet the legal definition of blindness in that they have a visual acuity with correction of less than or equal to 20 x 200. Some blind people who meet this definition have limited vision. Others

1 have no vision.

2 2. Plaintiff brings this civil rights action against TOMMY BAHAMA R&R
3 HOLDINGS, INC., a Delaware corporation, ("Defendant") for its failure to design, construct,
4 maintain, and operate its website (hereinafter the "Website" or "Defendant's Website" which
5 shall refer to www.tommybahama.com, and any other website operated by or controlled by
6 Defendant as well as any third party content which is located on or used in connection with
7 www.tommybahama.com and any other website operated by or controlled by Defendant, for
8 the purposes described herein) to be fully accessible to and independently usable by Plaintiff
9 and other blind or visually-impaired people.

10 3. Defendant's Website denies Plaintiff and other legally blind persons full and
11 equal access to the Website and therefore to its products and services offered thereby and in
12 conjunction with its brick-and-mortar location(s) in violation of Plaintiff's rights under the
13 Americans with Disabilities Act (the "ADA") and California's Unruh Civil Rights Act (the
14 "UCRA").

15 4. Under the ADA, it is an act of discrimination to fail to ensure that the
16 privileges, advantages, accommodations, facilities, goods and services of any place of public
17 accommodation is offered on a full and equal basis by anyone who owns, leases, or operates a
18 place of public accommodation. See: 42 U.S.C. § 12182(a). Discrimination is defined, inter
19 alia, as follows: "A failure to make reasonable modifications in policies, practices, or
20 procedures, when such modifications are necessary to afford goods, services, facilities,
21 privileges, advantages, or accommodations to individuals with disabilities, unless the
22 accommodation would work a fundamental alteration of those services and facilities. 42
23 U.S.C. § 12182(b)(2)(A)(ii)."

24 5. The California Legislature provided a clear and statewide mandate for the
25 elimination of discrimination against individuals with disabilities when it enacted the Unruh
26 Civil Rights Act, Cal. Civ. Code § 51, *et seq.* Discrimination sought to be eliminated by the
27 UCRA includes barriers to full integration, independent living, and equal opportunity for
28 individuals with disabilities, which then necessarily includes barriers created by websites and

1 other places of public accommodation that are inaccessible to blind and visually-impaired
2 individuals.

3 6. Because Defendant's Website is not equally, independently, or fully accessible
4 to blind and visually-impaired consumers in violation of the ADA and the UCRA, Plaintiff
5 seeks a permanent injunction to cause a change in Defendant's corporate policies, practices,
6 and procedures so that Defendant's Website will become and remain accessible to blind and
7 visually-impaired consumers who require the use of SRS to access the Website.

8 **JURISDICTION AND VENUE**

9 7. Defendant conducted and continues to conduct substantial business in the State
10 of California, County of Los Angeles, and Defendant's offending Website is available
11 throughout California.

12 8. Defendant conducts substantial business in Los Angeles County.

13 9. A substantial portion of the conduct complained of herein occurred in this
14 District.

15 **PARTIES**

16 10. Plaintiff, at all times relevant and as alleged herein, is a resident of California,
17 County of Los Angeles. Plaintiff is legally blind and cannot use a computer without the
18 assistance of SRS. However, Plaintiff is a proficient user of SRS and uses it to access the
19 internet. Plaintiff has visited the Website on separate occasions using SRS. During Plaintiff's
20 separate visits to Defendant's Website, Plaintiff encountered multiple access barriers which
21 denied Plaintiff full and equal access to the facilities, goods, and services offered to the public
22 and made available to the public on Defendant's Website. Due to the widespread access
23 barriers Plaintiff encountered on Defendant's Website, Plaintiff has been deterred obtaining
24 full and equal access to the Website.

25 11. Plaintiff did not encounter, nor does she in any way base her claims alleged
26 herein, upon the presence of any physical or architectural barrier in any public place of
27 accommodation.

28 12. Plaintiff wants to avail herself of Defendant's goods and services as offered on

1 Defendant's Website, including the service that is the Website itself.

2 13. Plaintiff also evaluated the Website for full and equal access to Plaintiff and
3 other legally blind persons.

4 14. Plaintiff is also a civil rights advocate for the disabled to determine compliance
5 with the ADA.

6 15. Plaintiff has filed multiple lawsuits against various operators of commercial
7 websites as part of Plaintiffs advocacy work on behalf of the civil rights of visually-impaired
8 persons.

9 16. Plaintiff intends to continue to engage in such advocacy work into the
10 foreseeable future to ensure that Defendant's commercial Website and others are fully and
11 equally enjoyable to and usable by visually-impaired persons, including herself.

12 17. Plaintiff is being deterred from patronizing the Defendant's Website and/or
13 brick-and-mortar locations on particular occasions.

14 18. Plaintiff has standing to sue Defendant under the UCRA. As the California
15 Supreme Court explained in *Angelucci v. Century Supper Club*, 41 Cal.4th 160 (2007), "an
16 individual plaintiff has standing under the [Unruh Civil Rights] Act if he or she has been the
17 victim of the defendant's discriminatory act." *Id.* at 175.

18 19. Plaintiff is informed and believes, and thereon alleges Defendant is a Delaware
19 corporation, and has its principal place of business in Atlanta, Georgia.

20 20. Defendant operates brick-and-mortar locations in Los Angeles County,
21 California. Defendant's brick-and-mortar locations constitute places of public accommodation.

22 21. Defendant's Website provides consumers with access to an array of goods,
23 services, and information related to Defendant's brick-and-mortar locations including product
24 descriptions, online ordering, online appointment reservations, video content, contact options,
25 location information, career opportunities, pricing details, account sign-up, and/or many other
26 benefits.

27 22. The true names and capacities of the Defendants sued herein as DOES 1
28 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants

1 by fictitious names.

2 23. Each of the Defendants designated herein as a DOE is legally responsible for
3 the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend this Complaint to
4 reflect the true names and capacities of the DOE Defendants when such identities become
5 known.

6 24. At all relevant times as alleged herein, each and every Defendant was acting as
7 an agent and/or employee of each of the other Defendants and was acting within the course
8 and/or scope of said agency and/or employment with the full knowledge and consent of each
9 of the Defendants.

10 25. Each of the acts and/or omissions complained of herein were alleged and made
11 known to, and ratified by, each of the other Defendants (Defendant, together with any DOE
12 Defendants, are collectively referred to hereinafter as “Defendant” or “Defendants”).

13 **VISUALLY-IMPAIRED PERSONS’ ACCESS TO THE INTERNET**

14 26. The Internet has become a significant source of information, a portal, and a tool
15 for conducting business, doing everyday activities such as shopping, learning, banking,
16 researching, as well as many other activities for sighted, blind and visually-impaired persons
17 alike.

18 27. As an essential tool for many Americans, when accessible, the Internet provides
19 individuals with disabilities great independence.

20 28. Blind persons are able to access websites using keyboards in conjunction with
21 SRS that vocalizes the visual information found on a computer screen. This technology is
22 known as screen-reading software.

23 29. Except for legally blind individuals whose residual vision allows them to use
24 magnification, screen-reading software is currently the only method a blind person can fully
25 and independently access the internet.

26 30. Blind and visually-impaired users of Windows computers and devices have
27 several screen-reading software programs available to them.

28 31. Job Access With Speech, otherwise known as “JAWS,” is currently the most

1 popular, separately SRS available for Windows.

2 32. For SRS to function, the information on a website must be capable of being
3 rendered into text. If the website content is not capable of being rendered into text, the blind
4 or visually-impaired user is unable to access the same content available to sighted users using
5 their keyboards because they are unable to see the screen or manipulate a mouse.

6 33. SRS is currently the only method a blind or visually-impaired person may
7 independently access the internet, websites, and other digital content.

8 34. If the website content is not capable of being rendered into text, the blind or
9 visually-impaired user is unable to access and navigate the same content on a website or
10 mobile app that is available to sighted users.

11 35. There are well-established industry adopted guidelines for making websites
12 accessible to visually-impaired people who require screen-reading software programs. These
13 guidelines have existed for at least several years and are successfully followed by large
14 business entities who want to ensure their websites are accessible to all persons.

15 36. The Web Accessibility Initiative (“WAI”), an initiative of the World Wide Web
16 Consortium developed guidelines on website accessibility.

17 37. Through Section 508 of the Rehabilitation Act, the federal government also
18 promulgated website accessibility standards. These guidelines, easily found on the Internet,
19 recommend several basic components for making websites accessible, including, but not
20 limited to: adding invisible Alt-text to graphics; ensuring all functions can be performed using
21 a keyboard and not just a mouse; ensuring that image maps are accessible; and adding
22 headings so blind and visually-impaired people can navigate websites and mobile applications
23 just as sighted people do. Without these basic components, websites and mobile applications
24 are inaccessible to a blind person using SRS.

25 38. Common barriers encountered by blind and visually-impaired persons include,
26 but are not limited to, the following:

- 27 a. A text equivalent for every non-text element is not provided;
28 b. Title frames with text are not provided for identification and navigation;

- c. Equivalent text is not provided when using scripts;
- d. Forms with the same information and functionality as for sighted persons are not provided;
- e. Information about the meaning and structure of content is not conveyed by more than the visual presentation of content;
- f. Text cannot be resized without assistive technology up to 200 percent without loss of content or functionality;
- g. If the content enforces a time limit, the user is not able to extend, adjust, or disable it;
- h. Web pages do not have titles that describe the topic or purpose;
- i. The purpose of each link cannot be determined from the link text alone or from the link text and its programmatically determined link context;
- j. One or more keyboard operable user interface lacks a mode of operation where the keyboard focus indicator is discernible;
- k. The default human language of each web page cannot be programmatically determined;
- l. When a component receives focus, it may initiate a change in context;
- m. Changing the setting of a user interface component may automatically cause a change of context where the user has not been advised before using the component;
- n. Labels or instructions are not provided when content requires user input;
- o. In content which is implemented by using markup languages, elements do not have complete start and end tags, elements are not nested according to their specifications, elements may contain duplicate attributes and/or any IDs are not unique;
- p. Inaccessible Portable Document Format (PDFs); and,
- q. The name and role of all User Interface elements cannot be programmatically determined; items that can be set by the user cannot

1 be programmatically set; and/or notification of changes to these items is
2 not available to user agents, including screen-reading software.

3 39. Binding California law recognizes website accessibility claims under the ADA
4 and the UCRA.

5 40. In September 2019, California Court of Appeal in *Thurston v. Midvale Corp.*,
6 39 Cal. App. 5th 634 (2019), held that businesses are accountable for the inaccessibility of
7 websites and for content of third parties with whom they contract to provide services to
8 customers (map programs, reservations, sales etc.), that the trial court did not violate
9 defendant's due process rights by imposing WCAG 2.0 AA compliance standards for
10 injunctive relief, that the injunction was not overbroad or uncertain, and that plaintiff had
11 standing to obtain injunction under the Unruh Act because she visited the website and
12 encountered barriers to access. In June 2020, California Court of Appeal in *Martinez v. San*
13 *Diego County Credit Union*, 50 Cal.App.5th 1048 (2020), also held that there is a sufficient
14 nexus between a website and place of public accommodation if the website permits the
15 customer to research and prepare before going to the physical facility, including to make
16 informed decisions about its products and services.

17 41. An abundance of other courts throughout California and the country have also
18 held that commercial websites and mobile applications must be accessible under the ADA and
19 UCRA.

20 42. Each of Defendant's violations of the ADA constitutes a violation of the
21 UCRA. Cal. Civ. Code § 51(f).

22 **FACTUAL BACKGROUND**

23 43. Defendant offers its commercial Website to the public.

24 44. The Website offers features which should allow all consumers to access the
25 goods and services offered in connection with its brick-and-mortar locations. The Website
26 itself is also a service offered to the public.

27 45. The Website provides consumers with access to an array of goods, services, and
28 information related to Defendant's brick-and-mortar locations which include, but are not

1 limited to, the following: product descriptions, online ordering, online appointment
2 reservations, video content, contact options, location information, career opportunities, pricing
3 details, account sign-up, and/or many other benefits.

4 46. Based on information and belief, it is Defendant's policy and practice to deny
5 Plaintiff, along with other blind or visually-impaired users, access to Defendant's Website, and
6 to therefore specifically deny the goods and services that are offered and integrated with
7 Defendant's brick-and-mortar locations and otherwise.

8 47. Due to Defendant's failure and refusal to remove access barriers to its Website,
9 Plaintiff and visually-impaired persons have been and are still being denied equal access to
10 Defendant's brick-and-mortar locations and the numerous goods, services, privileges, and
11 benefits offered to the public through Defendant's Website, including the Website itself.

12 48. Plaintiff cannot use a computer without the assistance of SRS.

13 49. Plaintiff is a proficient user of SRS and uses it to access the Internet.

14 50. Plaintiff's SRS is the current version and is up to date.

15 51. Plaintiff has visited Defendant's Website on separate occasions using SRS.

16 52. While attempting to navigate the Website, Plaintiff encountered multiple
17 accessibility barriers for blind or visually-impaired people that include, but are not limited to:

- 18 a. The home page has graphics, links, and buttons that are not labeled or
19 are incorrectly labeled, or lack alternative text ("Alt-text"). Alt-text is
20 invisible code embedded beneath a graphical image on a website. Web
21 accessibility requires that Alt-text be coded with each picture so that
22 screen-reading software can speak the Alt-text where a sighted user sees
23 pictures. Alt-text does not change the visual presentation, but instead a
24 text box shows when the cursor moves over the picture. The lack of
25 Alt-text on these graphics prevents screen-readers from accurately
26 vocalizing a description of the graphics;
- 27 b. Plaintiff encountered multiple unlabeled or mislabeled buttons and
28 links. Without descriptive alternate text, Plaintiffs, and other screen-

1 reader users, have no way to discern the purpose or function of the
2 button or link;

3 c. Plaintiff encountered multiple pages containing insufficient navigational
4 headings requiring Plaintiff to expend substantial additional time to
5 access information;

6 d. Plaintiff encountered an inaccessible slideshow when attempting to
7 access the Website requiring Plaintiff to expend substantial additional
8 time to access information;

9 e. Plaintiff was unable to browse products because product links and
10 descriptions were inaccessible to SRS;

11 f. Plaintiff was unable to browse the sizing chart because sizing chart links
12 and descriptions were inaccessible to SRS;

13 g. Plaintiff was unable to place an order for pick up because of an
14 inaccessible order system; and,

15 h. Plaintiff was unable to find brick-and-mortar locations information
16 because locations information was inaccessible to SRS.

17 53. Due to the unlabeled buttons, lack of Alt-text, the structure of the headings and
18 Website, cursor traps, and other barriers, Plaintiff was unable to fully and independently access
19 the Website when visiting for the dual purpose of confirming compliance with the UCRA and
20 ADA and to create an account, browse products, and place an order for pick up at the brick-
21 and-mortar location in Pasadena, California.

22 54. Plaintiff intended to place an order apparel for pick up at Defendant's brick-
23 and-mortar location in Pasadena, California. Due to the inaccessibility of product descriptions
24 and ordering system, Plaintiff was prevented from visiting Defendant's brick-and-mortar
25 location and picking up apparel. Plaintiff was therefore deprived of equal enjoyment of
26 Defendant's brick-and-mortar location.

27 55. Since as early as December 7, 2024, December 8, 2024, and until the current
28 date, during Plaintiff's separate visits to the Website, Plaintiff encountered multiple access

1 barriers which denied Plaintiff full and equal access to the facilities, goods, and services
2 offered to the public and made available to the public on the Website.

3 56. Due to the widespread access barriers Plaintiff encountered on the Website,
4 Plaintiff has been deterred, on a regular basis, from accessing the Website. Similarly, the
5 access barriers Plaintiff encountered on the Website have deterred Plaintiff from visiting
6 Defendant's brick-and-mortar locations.

7 57. If the Website were equally accessible to all, Plaintiff could independently
8 navigate the Website as sighted individuals do.

9 58. Having attempted to use the Website, Plaintiff has actual knowledge of the
10 access barriers that make these services inaccessible and independently unusable by blind and
11 visually-impaired people.

12 59. There are readily available, well established guidelines, available to Defendant
13 on the Internet, for designing, constructing, and maintaining websites to be accessible to blind
14 and visually-impaired persons. Other large business entities have used these guidelines, or
15 have otherwise been able, to make their websites accessible, including but not limited to:
16 adding Alt-text to graphics and ensuring that all functions can be performed using a keyboard.
17 In addition, incorporating these basic changes and adding certain elements to Defendant's
18 Website would not fundamentally alter the nature of Defendant's business nor would it result
19 in an undue burden to Defendant. Because maintaining and providing a website where all
20 functions can be performed using a keyboard would provide full, independent, and equal
21 access to all consumers to the Website, Plaintiff alleges that Defendant has engaged in acts of
22 discrimination including, but not limited to the following policies or practices:

- 23 a. Construction and maintenance of a website that is inaccessible to
- 24 visually-impaired individuals, including Plaintiff;
- 25 b. Failure to construct and maintain a website that is sufficiently intuitive
- 26 so as to be equally accessible to visually-impaired individuals, including
- 27 Plaintiff; and,
- 28 c. Failure to take actions to correct these access barriers in the face of

1 substantial harm and discrimination to blind and visually-impaired
2 consumers, such as Plaintiff, as a member of a protected class.

3 60. Although Defendant may currently have centralized policies for maintenance
4 and operation of the Website, Defendant lacks a plan and policy reasonably calculated to make
5 its website fully and equally accessible to, and independently usable by, blind and other
6 visually-impaired consumers, including Plaintiff.

7 61. Without injunctive relief, Plaintiff and other visually-impaired consumers will
8 continue to be unable to independently use Defendant's Website in violation of their rights.

9 62. Defendants continue to operate the Website while providing insufficient full
10 and equal access by legally blind persons, including Plaintiff and other persons with visual
11 impairments, and will continue to do so and thereby deny full and equal access to Plaintiff and
12 other legally blind persons until this Court orders appropriate injunctive relief compelling
13 compliance with the ADA.

14 **FIRST CAUSE OF ACTION**

15 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

16 **42 U.S.C. SECTION 12101, ET SEQ.**

17 63. Plaintiff re-pleads and incorporates by reference, as if fully set forth again
18 herein, the allegations contained in all prior paragraphs of this complaint. TOMMY
19 BAHAMA R&R HOLDINGS, INC. is a public accommodation with the definition of Title III
20 of the ADA, 42 USC § 12181.

21 64. The Website provided by the Defendant is a service, privilege or advantage and
22 extension of TOMMY BAHAMA R&R HOLDINGS, INC.'s physical presence and terrestrial
23 services.

24 65. When a business provides services such as a website, it must provide an
25 accessible website.

26 66. Here, an accessible website has not been provided. A failure to provide an
27 accessible website is unlawful discrimination against persons with disabilities.

28 67. TOMMY BAHAMA R&R HOLDINGS, INC.'s failure to ensure that the

1 accessible facilities were available and ready to be used by the plaintiff is a violation of the
2 law.

3 68. Pursuant to 42 U.S.C. § 12188 and the remedies, procedures and rights set forth
4 and incorporated therein, Plaintiff requests relief as set forth below.

5 **SECOND CAUSE OF ACTION**

6 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

7 **CAL. CIV. CODE § 51 ET SEQ.**

8 **(By Plaintiff Against All Defendants)**

9 69. Plaintiff re-alleges and incorporates by reference all paragraphs alleged above
10 and each and every other paragraph in this Complaint necessary or helpful to state this cause of
11 action as though fully set forth herein.

12 70. California Civil Code § 51 *et seq.* guarantees equal access for people with
13 disabilities to the accommodations, advantages, facilities, privileges, and services of all
14 business establishments of any kind whatsoever. Defendant is systematically violating the
15 UCRA, Civil Code § 51 *et seq.*

16 71. Defendant's brick-and-mortar locations are "business establishments" within
17 the meaning of the Civil Code § 51 *et seq.* Defendant generates revenue through its Website.
18 Defendant's Website is a service provided by Defendant that is inaccessible to patrons who are
19 blind or visually-impaired like Plaintiff. This inaccessibility denies blind and visually-
20 impaired patrons full and equal access to the facilities, goods, and services that Defendant
21 makes available to the non-disabled public, including the service of the Website itself.
22 Defendant is violating the UCRA, Civil Code § 51 *et seq.*, by denying visually-impaired
23 customers the goods and services provided on its Website. These violations are ongoing.

24 72. Defendants' actions constitute intentional discrimination against Plaintiff on the
25 basis of a disability, in violation of the UCRA, Civil Code § 51 *et seq.*, because of the
26 following: Defendant has constructed a website that is inaccessible to Plaintiff; Defendant
27 maintains the Website in this inaccessible format; and, Defendant has failed to take action to
28 correct and remove these barriers that cause discrimination to persons with Plaintiff's

1 disability.

2 73. Defendant is also violating the UCRA, Civil Code § 51 *et seq.* because the
3 conduct alleged herein violates various provisions of the Americans with Disabilities Act, 42
4 U.S.C. § 12181 *et seq.* as amended by the ADA Amendments Act of 2008 (P.L. 110-325), as
5 set forth above. Section 51(f) of the Civil Code provides that a violation of the right of any
6 individual under the ADA also constitutes a violation of the UCRA.

7 74. The actions of Defendant violate UCRA, Civil Code § 51 *et seq.*, and Plaintiff
8 is therefore entitled to injunctive relief remedying the discrimination. Plaintiff expressly limits
9 the cost of injunctive relief sought to \$50,000 or less.

10 75. Plaintiff is entitled to statutory minimum damages pursuant to Civil Code § 52
11 for each and every offense; however, Plaintiff hereby expressly limits the amount of money
12 such that the total amount Plaintiff seeks to for each and every offense shall not exceed
13 \$24,999.00.

14 76. Plaintiff is also entitled to reasonable attorneys' fees and costs.

15 **PRAYER**

16 **WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:**

17 1. A Declaratory Judgment that at the commencement of this action Defendant
18 owns, maintains, and/or operates its Website in a manner which discriminates against the
19 blind, fails to provide access to blind or visually-impaired individuals, and that Defendant took
20 no action that was reasonably calculated to ensure that its Website is fully accessible to, and
21 independently usable by blind and visually-impaired individuals in violation of the ADA and
22 the UCRA;

23 2. Preliminary and permanent injunctive relief as permitted by the ADA (42 U.S.C
24 § 12181); however, Plaintiff hereby expressly limits the injunctive relief to require that
25 Defendant expend no more than \$50,000 thereon;

26 3. Plaintiff seeks no relief related to any architectural barriers to access in this
27 Complaint and expressly limits all claims to injunctive relief to modifications of Defendant's
28 policies and procedures related to the Website;

1 4. An award of statutory minimum statutory damages of not less than \$4,000 per
2 violation pursuant to § 52(a) of the California Civil Code; **Note:** Plaintiff is not invoking
3 California Civil Code § 55 and is not seeking injunctive relief under the Disabled Persons
4 Act or the Unruh Civil Rights Act at all.

5 5. As an additional violation, minimum statutory damages of not less than
6 \$4,000.00 for deterrence; and

7 6. For reasonable attorneys' fees, litigation expenses, and costs of suit pursuant to
8 42 U.S.C. § 12205 and Civil Code Section 52.

9
10 **DEMAND FOR JURY TRIAL**

11 Plaintiff hereby respectfully requests a trial by jury on all appropriate issues raised in
12 this Complaint.

13
14 Dated: February 24, 2025

MANNING LAW, APC

15
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17 By: 

Joseph R. Manning Jr., Esq.

18 Attorney for Plaintiff
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Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS MUST SERVE THIS ADR INFORMATION PACKAGE ON ANY NEW PARTIES NAMED TO THE ACTION WITH THE CROSS-COMPLAINT.

WHAT IS ADR?

Alternative Dispute Resolution (ADR) helps people find solutions to their legal disputes without going to trial. The Court offers a variety of ADR resources and programs for various case types.

TYPES OF ADR

- **Negotiation.** Parties may talk with each other about resolving their case at any time. If the parties have attorneys, they will negotiate for their clients.
- **Mediation.** Mediation may be appropriate for parties who want to work out a solution but need help from a neutral third party. A mediator can help the parties reach a mutually acceptable resolution. Mediation may be appropriate when the parties have communication problems and/or strong emotions that interfere with resolution. Mediation may not be appropriate when the parties want a public trial, lack equal bargaining power, or have a history of physical or emotional abuse.
- **Arbitration.** Less formal than a trial, parties present evidence and arguments to an arbitrator who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision.
- **Settlement Conferences.** A judge or qualified settlement officer assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Mandatory settlement conferences may be ordered by a judicial officer. In some cases, voluntary settlement conferences may be requested by the parties.

ADVANTAGES OF ADR

- **Save time and money.** Utilizing ADR methods is often faster than going to trial and parties can save on court costs, attorney's fees, and other charges.
- **Reduce stress and protect privacy.** ADR is conducted outside of a courtroom setting and does not involve a public trial.
- **Help parties maintain control.** For many types of ADR, parties may choose their ADR process and provider.

DISADVANTAGES OF ADR

- **Costs.** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial.** ADR does not provide a public trial or decision by a judge or jury.

WEBSITE RESOURCES FOR ADR

- **Los Angeles Superior Court ADR website:** www.lacourt.org/ADR
- **California Courts ADR website:** www.courts.ca.gov/programs-adr.htm

Los Angeles Superior Court ADR Programs for Unlimited Civil (cases valued over \$35,000)

Litigants should closely review the requirements for each program and the types of cases served.

- **Civil Mediation Vendor Resource List.** Litigants in unlimited civil cases may use the Civil Mediation Vendor Resource List to arrange voluntary mediations without Court referral or involvement. The Resource List includes organizations that have been selected through a formal process that have agreed to provide a limited number of low-cost or no-cost mediation sessions with attorney mediators or retired judges. Organizations may accept or decline cases at their discretion. Mediations are scheduled directly with these organizations and are most often conducted through videoconferencing. The organizations on the Resource List target active civil cases valued between \$50,000-\$250,000, though cases outside this range may be considered. *For more information and to view the list of vendors and their contact information, download the Resource List Flyer and FAQ Sheet at www.lacourt.org/ADR/programs.html.*
RESOURCE LIST DISCLAIMER: The Court provides this list as a public service. The Court does not endorse, recommend, or make any warranty as to the qualifications or competency of any provider on this list. Inclusion on this list is based on the representations of the provider. The Court assumes no responsibility or liability of any kind for any act or omission of any provider on this list.
- **Mediation Volunteer Panel (MVP).** Unlimited civil cases referred by judicial officers to the Court's Mediation Volunteer Panel (MVP) are eligible for three hours of virtual mediation at no cost with a qualified mediator from the MVP. Through this program, mediators volunteer preparation time and three hours of mediation at no charge. If the parties agree to continue the mediation after three hours, the mediator may charge their market hourly rate. When a case is referred to the MVP, the Court's ADR Office will provide information and instructions to the parties. The Notice directs parties to meet and confer to select a mediator from the MVP or they may request that the ADR Office assign them a mediator. The assigned MVP mediator will coordinate the mediation with the parties. *For more information or to view MVP mediator profiles, visit the Court's ADR webpage at www.lacourt.org/ADR or email ADRCivil@lacourt.org.*
- **Mediation Center of Los Angeles (MCLA) Referral Program.** The Court may refer unlimited civil cases to mediation through a formal contract with the Mediation Center of Los Angeles (MCLA), a nonprofit organization that manages a panel of highly qualified mediators. Cases must be referred by a judicial officer or the Court's ADR Office. The Court's ADR Office will provide the parties with information for submitting the case intake form for this program. MCLA will assign a mediator based on the type of case presented and the availability of the mediator to complete the mediation in an appropriate time frame. MCLA has a designated fee schedule for this program. *For more information, contact the Court's ADR Office at ADRCivil@lacourt.org.*
- **Resolve Law LA (RLLA) Virtual Mandatory Settlement Conferences (MSC).** Resolve Law LA provides three-hour virtual Mandatory Settlement Conferences at no cost for personal injury and non-complex employment cases. Cases must be ordered into the program by a judge pursuant to applicable Standing Orders issued by the Court and must complete the program's online registration process. The program leverages the talent of attorney mediators with at least 10 years of litigation experience who volunteer as settlement officers. Each MSC includes two settlement officers, one each from the plaintiff and defense bars. Resolve Law LA is a joint effort of the Court, Consumer Attorneys Association of Los Angeles County (CAALA), Association of Southern California Defense Counsel (ASCDC), Los Angeles Chapter of the American Board of Trial Advocates (LA-ABOTA), Beverly Hills Bar Foundation (BHBF), California Employment Lawyers Association (CELA), and Los Angeles County Bar Association (LACBA). *For more information, visit <https://resolvelawla.com>.*

- **Judicial Mandatory Settlement Conferences (MSCs).** Judicial MSCs are ordered by the Court for unlimited civil cases and may be held close to the trial date or on the day of trial. The parties and their attorneys meet with a judicial officer who does not make a decision, but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For more information, visit <https://www.lacourt.org/division/civil/Ci0047.aspx>.

Los Angeles Superior Court ADR Programs for Limited Civil (cases valued below \$35,000)

Litigants should closely review the requirements for each program and the types of cases served.

- **Online Dispute Resolution (ODR).** Online Dispute Resolution (ODR) is a free online service provided by the Court to help small claims and unlawful detainer litigants explore settlement options before the hearing date without having to come to court. ODR guides parties through a step-by-step program. After both sides register for ODR, they may request assistance from trained mediators to help them reach a customized agreement. The program creates settlement agreements in the proper form and sends them to the Court for processing. Parties in small claims and unlawful detainer cases must carefully review the notices and other information they receive about ODR requirements that may apply to their case. *For more information, visit <https://my.lacourt.org/odr>.*
- **Dispute Resolution Program Act (DRPA) Day-of-Hearing Mediation.** Through the Dispute Resolution Program Act (DRPA), the Court works with county-funded agencies, including the Los Angeles County Department of Consumer & Business Affairs (DCBA) and the Center for Conflict Resolution (CCR), to provide voluntary day-of-hearing mediation services for small claims, unlawful detainer, limited civil, and civil harassment matters. DCBA and CCR staff and trained volunteers serve as mediators, primarily for self-represented litigants. There is no charge to litigants. *For more information, visit <https://dcba.lacounty.gov/countywidedrp>.*
- **Temporary Judge Unlawful Detainer Mandatory Settlement Conference Pilot Program.** Temporary judges who have been trained as settlement officers are deployed by the Court to designated unlawful detainer court locations one day each week to facilitate settlement of unlawful detainer cases on the day of trial. For this program, cases may be ordered to participate in a Mandatory Settlement Conference (MSC) by judicial officers at Stanley Mosk, Long Beach, Compton, or Santa Monica. Settlement rooms and forms are available for use on the designated day at each courthouse location. There is no charge to litigants for the MSC. *For more information, contact the Court's ADR Office at ADRCivil@lacourt.org.*

Joseph R. Manning, Jr., Esq. (State Bar No. 223381)
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Newport Beach, CA 92660
Office: (949) 200-8755
DisabilityRights@manninglawoffice.com

Attorney for Plaintiff: ANTHONY BOUYER

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY BOUYER, an
individual,

Plaintiff,

v.

ZVI Y. STRAUSMAN, and SARA
STRAUSMAN, individually and as
trustees of the STRAUSMAN
FAMILY TRUST DATED MARCH
13, 2008; and DOES 1-10, inclusive,

Defendants.

Case No. 2:20-cv-03803-MWF-PVC

**First Amended Complaint For
Damages And Injunctive Relief For:**

**1. VIOLATIONS OF THE
AMERICANS WITH DISABILITIES
ACT OF 1990, 42 U.S.C. §12181 *et*
seq. as amended by the ADA
Amendments Act of 2008 (P.L. 110-
325).**

Plaintiff, ANTHONY BOUYER (“Plaintiff”), complains of Defendants ZVI
Y. STRAUSMAN, and SARA STRAUSMAN, individually and as trustees of the
STRAUSMAN FAMILY TRUST DATED MARCH 13, 2008; and Does 1-10
(“Defendants”) and alleges as follows:

PARTIES

1
2 1. Plaintiff is an adult California resident. Plaintiff is substantially limited
3 in performing one or more major life activities because he is paraplegic, including
4 but not limited to: walking, standing, ambulating, and sitting. As a result of these
5 disabilities, Plaintiff requires a wheelchair for mobility. With such disabilities,
6 Plaintiff qualifies as a member of a protected class under the Americans with
7 Disabilities Act, 42 U.S.C. §12102(2) as amended by the ADA Amendments Act of
8 2008 (P.L. 110-325) (“ADA”) and the regulations implementing the ADA set forth
9 at 28 C.F.R. §§ 36.101 et seq. At the time of Plaintiff’s visits to Defendants’ facility
10 and prior to instituting this action, Plaintiff suffered from a “qualified disability”
11 under the ADA, including those set forth in this paragraph. Plaintiff is also the
12 holder of a Disabled Person Parking Placard.

13 2. Plaintiff is informed and believes and thereon alleges that Defendants
14 ZVI Y. STRAUSMAN, and SARA STRAUSMAN, individually and as trustees of
15 the STRAUSMAN FAMILY TRUST DATED MARCH 13, 2008, owned the
16 property located at 5924 E Los Angeles Ave # A, Simi Valley, CA 93063
17 (“Property”) on or around March 16, 2020 and April 15, 2020.

18 3. Plaintiff is informed and believes and thereon alleges that Defendants
19 ZVI Y. STRAUSMAN, and SARA STRAUSMAN, individually and as trustees of
20 the STRAUSMAN FAMILY TRUST DATED MARCH 13, 2008, own the Property
21 currently.

22 4. Plaintiff does not know the true name of Defendants, its business
23 capacity, its ownership connection to the Property serving J's Liquor & Market Plaza
24 (“Business”), or its relative responsibilities in causing the access violations herein
25 complained of. Plaintiff is informed and believes that each of the Defendants herein,
26 including Does 1 through 10, inclusive, is responsible in some capacity for the
27 events herein alleged, or is a necessary party for obtaining appropriate relief.
28 Plaintiff will seek leave to amend when the true names, capacities, connections, and

responsibilities of the Defendants and Does 1 through 10, inclusive, are ascertained.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the ADA.

6. Venue is proper in this court pursuant to 28 U.S.C. §1391 because the real property which is the subject of this action is located in this district and because Plaintiff's causes of action arose in this district.

FACTUAL ALLEGATIONS

7. Plaintiff went to the Business on or about March 16, 2020 and April 15, 2020 for the dual purpose of purchasing drink items and to confirm that this public place of accommodation is accessible to persons with disabilities within the meaning federal and state law.

8. The Business is a facility open to the public, a place of public accommodation, and a business establishment.

9. Parking spaces are one of the facilities, privileges, and advantages reserved by Defendants to persons at the Property serving the Business.

10. Unfortunately, although parking spaces were one of the facilities reserved for patrons, there were no designated parking spaces available for persons with disabilities that complied with the 2010 Americans with Disabilities Act Accessibility Guidelines ("ADAAG") on March 16, 2020 and April 15, 2020.

11. At that time, instead of having architectural barrier free facilities for patrons with disabilities, Defendants have: a built up curb ramp that projects from the sidewalk and into the access aisle (Section 406.5). Furthermore, the curb ramp is in excess of the maximum grade allowed by ADAAG specifications (Section 406.1).

12. Subject to the reservation of rights to assert further violations of law after a site inspection found *infra*, Plaintiff asserts there are additional ADA violations which affect him personally.

13. Plaintiff is informed and believes and thereon alleges Defendants had

1 no policy or plan in place to make sure that there was compliant accessible parking
2 reserved for persons with disabilities prior to March 16, 2020 and April 15, 2020.

3 14. Plaintiff is informed and believes and thereon alleges Defendants have
4 no policy or plan in place to make sure that the designated disabled parking for
5 persons with disabilities comport with the ADAAG.

6 15. Plaintiff personally encountered these barriers. The presence of these
7 barriers related to Plaintiff's disability denies Plaintiff his right to enjoy accessible
8 conditions at public place of accommodation and invades legally cognizable
9 interests created under the ADA.

10 16. The conditions identified *supra* in paragraph 11 are necessarily related
11 to Plaintiff's legally recognized disability in that Plaintiff is substantially limited in
12 the major life activities of walking, standing, ambulating, and sitting; Plaintiff is the
13 holder of a disabled parking placard; and because the enumerated conditions relate
14 to the use of the accessible parking, relate to the slope and condition of the
15 accessible parking and accessible path to the accessible entrance, and relate to the
16 proximity of the accessible parking to the accessible entrance.

17 17. The *Chapman v. Pier 1 Imports* court held that "the ADAAG
18 establishes the technical standards required for 'full and equal enjoyment'" and that
19 "if a barrier violating these standards relates to a plaintiff's disability, it will impair
20 the plaintiff's full and equal access" and "constitutes 'discrimination' under the
21 ADA." *Chapman v. Pier 1 Imports (U.S.) Inc.*, 631 F.3d 939, 947 (9th Cir. 2011).
22 The violations of the ADAAG at the Property relate to persons with mobility
23 disabilities, including Plaintiff, impairs Plaintiff's full and equal access, and
24 constitutes discrimination under the ADA.

25 18. As an individual with a mobility disability who relies upon a
26 wheelchair, Plaintiff has a keen interest in whether public accommodations have
27 architectural barriers that impede full accessibility to those accommodations by
28 individuals with mobility impairments.

1 19. Plaintiff is being deterred from patronizing the Business and its
2 accommodations on particular occasions, but intends to return to the Business for the
3 dual purpose of availing himself of the goods and services offered to the public and
4 to ensure that the Business ceases evading its responsibilities under federal and state
5 law.

6 20. Upon being informed that the public place of accommodation has
7 become fully and equally accessible, he will return within 45 days as a “tester” for
8 the purpose of confirming their accessibility. *Civil Rights Educ. and Enforcement*
9 *Center v. Hospitality Props. Trust*, 867 F.3d 1093, 1096 (9th Cir. 2017).

10 21. As a result of his difficulty experienced because of the inaccessible
11 condition of the facilities of the Business, Plaintiff was denied full and equal access
12 to the Business and Property.

13 22. The Defendants have failed to maintain in working and useable
14 conditions those features required to provide ready access to persons with
15 disabilities.

16 23. The violations identified above are easily removed without much
17 difficulty or expense. They are the types of barriers identified by the Department of
18 Justice as presumably readily achievable to remove and, in fact, these barriers are
19 readily achievable to remove. Moreover, there are numerous alternative
20 accommodations that could be made to provide a greater level of access if complete
21 removal were not achievable.

22 24. Given the obvious and blatant violation alleged hereinabove, Plaintiff
23 alleges, on information and belief, that there are other violations and barriers in the
24 site that relate to his disability. Plaintiff will amend the First Amended Complaint,
25 to provide proper notice regarding the scope of this lawsuit, once he conducts a site
26 inspection. However, the Defendants are on notice that the Plaintiff seeks to have all
27 barriers related to his disability remedied. See *Doran v. 7-11*, 524 F.3d 1034 (9th
28 Cir. 2008) (holding that once a plaintiff encounters one barrier at a site, the plaintiff

1 can sue to have all barriers that relate to his disability removed regardless of whether
2 he personally encountered them).

3 25. Without injunctive relief, Plaintiff will continue to be unable to fully
4 access Defendants' facilities in violation of Plaintiff's rights under the ADA.

5 **FIRST CAUSE OF ACTION**

6 **VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT OF 1990,**

7 **42 U.S.C. § 12181 *et seq.* as amended by the ADA Amendments Act of 2008**

8 **(P.L. 110-325)**

9 26. Plaintiff re-alleges and incorporates by reference all paragraphs alleged
10 above and each and every other paragraph in this First Amended Complaint
11 necessary or helpful to state this cause of action as though fully set forth herein.

12 27. Under the ADA, it is an act of discrimination to fail to ensure that the
13 privileges, advantages, accommodations, facilities, goods, and services of any place
14 of public accommodation are offered on a full and equal basis by anyone who owns,
15 leases, or operates a place of public accommodation. See 42 U.S.C. § 12182(a).
16 Discrimination is defined, *inter alia*, as follows:

- 17 a. A failure to make reasonable modifications in policies, practices,
18 or procedures, when such modifications are necessary to afford
19 goods, services, facilities, privileges, advantages, or
20 accommodations to individuals with disabilities, unless the
21 accommodation would work a fundamental alteration of those
22 services and facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 23 b. A failure to remove architectural barriers where such removal is
24 readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). Barriers are
25 defined by reference to the ADAAG, found at 28 C.F.R., Part 36,
26 Appendix "D".
- 27 c. A failure to make alterations in such a manner that, to the
28 maximum extent feasible, the altered portions of the facility are

1 readily accessible to and usable by individuals with disabilities,
2 including individuals who use wheelchairs, or to ensure that, to
3 the maximum extent feasible, the path of travel to the altered area
4 and the bathrooms, telephones, and drinking fountains serving
5 the area, are readily accessible to and usable by individuals with
6 disabilities. 42 U.S.C. § 12183(a)(2).

7 28. Any business that provides parking spaces must provide accessible
8 parking spaces. 2010 Standards § 208. Under the 2010 Standards, access aisles
9 shall be at the same level as the parking spaces they serve. Changes in level are not
10 permitted. 2010 Standards § 502.4. "Access aisles are required to be nearly level in
11 all directions to provide a surface for wheelchair transfer to and from vehicles." 2010
12 Standards § 502.4 Advisory. Here the failure to provide a level access aisle in the
13 designated disabled parking space is a violation of the law and excess slope angle in
14 the access pathway is a violation of the law.

15 29. A public accommodation must maintain in operable working condition
16 those features of its facilities and equipment that are required to be readily accessible
17 to and usable by persons with disabilities. 28 C.F.R. § 36.211(a).

18 30. Here, the failure to ensure that accessible facilities were available and
19 ready to be used by Plaintiff is a violation of law.

20 31. Given its location and options, Plaintiff will continue to desire to
21 patronize the Business but he has been and will continue to be discriminated against
22 due to lack of accessible facilities and, therefore, seeks injunctive relief to remove
23 the barriers.

24 **PRAYER**

25 **WHEREFORE, Plaintiff prays that this court award damages provide relief as**
26 **follows:**

27 1. A preliminary and permanent injunction enjoining Defendants from
28 further violations of the ADA, 42 U.S.C. § 12181 *et seq.* as amended by the ADA

1 Amendments Act of 2008 (P.L. 110-325); Note: Plaintiff is not invoking section 55,
2 *et seq*, of the California Civil Code and is not seeking injunctive relief under the
3 Disabled Persons Act (Cal. C.C. §54) at all. and,

4 2. For reasonable attorneys' fees, litigation expenses, and costs of suit,
5 pursuant to 42 U.S.C. § 12205.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby respectfully requests a trial by jury on all appropriate issues
8 raised in this First Amended Complaint.

9
10 Dated: June 5, 2020

MANNING LAW, APC

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12 By: /s/ Joseph R. Manning Jr., Esq.

13 Joseph R. Manning Jr., Esq.

14 Attorney for Plaintiff
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VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆Los Angeles County Bar Association Litigation Section◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section◆

◆Consumer Attorneys Association of Los Angeles◆

◆Southern California Defense Counsel◆

◆Association of Business Trial Lawyers◆

◆California Employment Lawyers Association◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the “core” of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered “core.” In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered “core.”);
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
- i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").

2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

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Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR PLAINTIFF)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)**Print****Save****Clear**

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

1. This document relates to:

☐

Request for Informal Discovery Conference

☐

Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE			

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

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Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR PLAINTIFF)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)**THE COURT SO ORDERS.**

Date: _____

JUDICIAL OFFICER**Print****Save****Clear**

FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

General Order Re)	ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation)	EXTENDING TIME TO RESPOND BY
Stipulations)	30 DAYS WHEN PARTIES AGREE
)	TO EARLY ORGANIZATIONAL
)	MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16 Now, therefore, this Court hereby finds that there is good cause to extend for 30
17 days the time to respond to a complaint or to a cross complaint in any action in which
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding
19 of good cause is based on the anticipated judicial efficiency and benefits of economic
20 case resolution that the Early Organizational Meeting Stipulation is intended to
21 promote.
22

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court

ADVISORY NOTICE TO DEFENDANT

YOU MAY BE ENTITLED TO ASK FOR A COURT STAY (AN ORDER TEMPORARILY STOPPING ANY LAWSUIT) AND EARLY EVALUATION CONFERENCE IN THIS LAWSUIT AND MAY BE ASSESSED REDUCED STATUTORY DAMAGES IF YOU MEET CERTAIN CONDITIONS.

If the construction-related accessibility claim pertains to a site that has a Certified Access Specialist (CASP) inspection report for that site, or to a site where new construction or improvement was approved after January 1, 2008, by the local building permit and inspection process, you may make an immediate request for a court stay and early evaluation conference in the construction-related accessibility claim by filing the attached application form with the court. You may be entitled to the court stay and early evaluation conference regarding the accessibility claim only if ALL of the statements in the application form applicable to you are true.

FURTHER, if you are a defendant described above (with a CASp inspection report or with new construction after January 1, 2008), and, to the best of your knowledge, there have been no modifications or alterations completed or commenced since the CASp report or building department approval of the new construction or improvement that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim, your liability for minimum statutory damages may be reduced to \$1,000 for each offense, unless the violation was intentional, and if all construction-related accessibility violations giving rise to the claim are corrected within 60 days of being served with this complaint.

ALSO, if your business has been served with a complaint filed by a high-frequency litigant, as defined in subdivision (b) of Section 425.55 of the Code of Civil Procedure, asserting a construction-related accessibility claim, including, but not limited to, a claim brought under Section 51, 54, 54.1, or 55 of the Civil Code, you may also be entitled to a court stay and an early evaluation conference. If you choose to request a stay and early evaluation conference, you may also request to meet in person with the plaintiff and counsel for both parties, as well as experts if the parties so elect, at the subject premises no later than 30 days after issuance of the court order to jointly inspect the portions of the subject premises and review any conditions that are claimed to constitute a violation of a construction-related accessibility standard.

IN ADDITION, if your business is a small business that, over the previous three years, or the existence of the business if less than three years, employs 25 or fewer employees on average over that time period and meets specified gross receipts criteria, you may also be entitled to the court stay and early evaluation conference and your minimum statutory damages for each claim may be reduced to \$2,000 for each offense, unless the violation was intentional, and if all the alleged construction-related accessibility violations are corrected within 30 days of being served with the complaint.

If you plan to correct the violations giving rise to the claim, you should take pictures and measurements or similar action to document the condition of the

physical barrier asserted to be the basis for a violation before undertaking any corrective action in case a court needs to see the condition of a barrier before it was corrected.

The court will schedule the conference to be held within 70 days after you file the attached application form.

The court will also issue an immediate stay of the proceedings unless the plaintiff has obtained a temporary restraining order in the construction-related accessibility claim. You may obtain a copy of the application form, filing instructions, and additional information about the stay and early evaluation conference through the Judicial Council Internet Web site at www.courts.ca.gov/selfhelp-start.htm.

You may file the application after you are served with a summons and complaint, but no later than your first court pleading or appearance in this case, which is due within 30 days after you receive the summons and complaint. If you do not file the application, you will still need to file your reply to the lawsuit within 30 days after you receive the summons and complaint to contest it. You may obtain more information about how to represent yourself and how to file a reply without hiring an attorney at www.courts.ca.gov/selfhelp-start.htm.

You may file the application without the assistance of an attorney, but it may be in your best interest to immediately seek the assistance of an attorney experienced in disability access laws when you receive a summons and complaint. You may make an offer to settle the case, and it may be in your interest to put that offer in writing so that it may be considered under Section 55.55 of the Civil Code.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
DEFENDANT'S APPLICATION PURSUANT TO CIVIL CODE SECTION 55.54 FOR <input type="checkbox"/> STAY AND EARLY EVALUATION CONFERENCE <input type="checkbox"/> JOINT INSPECTION	CASE NUMBER:

(Information about this application and filing instructions may be obtained at www.courts.ca.gov/selfhelp.htm.)

1. Defendant (name): _____ requests a stay of proceedings and early evaluation conference pursuant to Civil Code section 55.54.
2. The complaint in this case alleges a construction-related accessibility claim as defined under Civil Code section 55.52(a)(1).
3. The claim concerns a site that meets one of the following sets of requirements *(All items in one of a, b, c, or d must be checked for the court to order a stay and early evaluation conference. Check a box if the statement is true.)*
- a. ☐ **CASp-Inspected Site**
- (1) ☐ Site has been inspected by a Certified Access Specialist (CASp) and determined to be CASp inspected or CASp determination pending, and if CASp inspected, there have been no modifications completed or commenced since the date of inspection that may impact compliance with construction-related accessibility standards to the best of defendant's knowledge; and
- (2) ☐ An inspection report by a Certified Access Specialist (CASp) relating to the site has been issued.
- b. ☐ **New Construction**
- (1) ☐ Site has had new construction or improvements on or after January 1, 2008, approved pursuant to the local building permit and inspection process;
- (2) ☐ To the best of defendant's knowledge, there have been no modifications or alterations completed or commenced since that approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and
- (3) ☐ All violations have been corrected, or will be corrected within **60** days of defendant's being served with the complaint.
- c. ☐ **Small Business**
- (1) ☐ Site is owned or occupied by a defendant that is a small business that has employed an average of 25 or fewer employees over the past three years and meets the gross receipts eligibility criteria provided in Civil Code section 55.56(2)(f);
- (2) ☐ All violations have been corrected, or will be corrected within **30** days of being served with the complaint; and
- (3) ☐ Evidence showing that all violations have been corrected (*check one*) ☐ is attached ☐ will be filed with the court within **10** days of the court order setting an early evaluation conference.
- (4) I am filing the following with the court along with this application: *(The documents should be filed separately attached to a Confidential Cover Sheet and Declaration (form DAL-006).)*
- ☐ Proof of the number of defendant's employees as shown by wage reports forms filed with the Employment Development Department over the past three years or for existence of the business if less than three years; and
- ☐ Proof of defendant's average gross receipts as shown by federal or state tax documents for the three years before this application or for existence of the business if less than three years.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. d. ☐ **Case Filed by High-Frequency Litigant**

- (1) ☐ Site is owned or occupied by a defendant that is a business.
- (2) ☐ The complaint was filed by, or on behalf of, a "high-frequency litigant," as defined in Code of Civil Procedure section 425.55(b), asserting a construction-related accessibility claim including, but not limited to, a claim brought under Civil Code section 51, 54, 54.1, or 55.
- (3) ☐ The complaint includes a statement that it was filed by or on behalf of a high-frequency litigant, or a statement in the caption that "action subject to the supplemental fee in Government Code section 70616.5."

4. Defendant requests that the court:

- a. Stay the proceedings relating to the construction-related accessibility claim.
- b. Schedule an early evaluation conference.
- c. Order defendant to:
- (1) File a confidential copy of the Certified Access Specialist (CASP) report with the court and serve a copy of the report on the plaintiff at least **15** days before the date of the early evaluation conference, which shall be kept confidential as set forth in Civil Code section 55.54(d)(4); or
- (2) File with the court and serve on plaintiff evidence showing correction of all violations within **10** days of completion of the correction or, if seeking relief as a small business, within **10** days after issuance of a court order granting a stay.
- d. Order plaintiff to file with the court and serve on defendants the statement required by Civil Code section 55.54(d)(6) at least **15** days before the date of the early evaluation conference.
- e. ☐ Order plaintiff and plaintiff's counsel, if any, to meet in person with defendant within 30 days, at the site that is the subject of this action, for a joint inspection to review any issues that plaintiff claims are a violation of construction-related accessibility standards.

Date:

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

DECLARATION OF DEFENDANT

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

STATE LAW REQUIRES THAT YOU GET THIS IMPORTANT ADVISORY INFORMATION FOR BUILDING OWNERS AND TENANTS

This information is available in English, Spanish, Chinese, Vietnamese, and Korean through the Judicial Council of California. People with visual impairments can get assistance in viewing this form through the judicial branch website, at www.courts.ca.gov.

California law requires that you receive this information because the demand letter or court complaint you received with this document claims that your building or property does not comply with one or more existing construction-related accessibility laws or regulations protecting the civil rights of people with disabilities to access public places.

YOU HAVE IMPORTANT LEGAL OBLIGATIONS. Compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open for business to the public. You may obtain information about your legal obligations and how to comply with disability access laws through the Division of the State Architect, at www.dgs.ca.gov/dsa. Information is also available from the California Commission on Disability Access at www.cdda.ca.guide.htm.

YOU HAVE IMPORTANT LEGAL RIGHTS. The allegations made in the accompanying demand letter or court complaint do not mean that you are required to pay any money unless and until a court finds you liable. Moreover, RECEIPT OF A DEMAND LETTER OR COURT COMPLAINT AND THIS ADVISORY DOES NOT NECESSARILY MEAN YOU WILL BE FOUND LIABLE FOR ANYTHING. You will have the right if you are later sued to fully present an explanation of why you believe you have not in fact violated disability access laws or have corrected the violation or violations giving rise to the claim.

You have the right to seek assistance or advice about this demand letter or court complaint from any person of your choice. If you have insurance, you may also wish to contact your insurance provider. Your best interest may be served by seeking legal advice or representation from an attorney, but you may also represent yourself and file the necessary court papers to protect your interests if you are served with a court complaint. If you have hired an attorney to represent you, you should immediately notify your attorney.

If a court complaint has been served on you, you will get a separate advisory notice with the complaint advising you of special options and procedures available to you under certain conditions.

ADDITIONAL THINGS YOU SHOULD KNOW: ATTORNEY MISCONDUCT. Except for limited circumstances, state law generally requires that a prelitigation demand letter from an attorney MAY NOT MAKE A REQUEST OR DEMAND FOR MONEY OR AN OFFER OR AGREEMENT TO ACCEPT MONEY. Moreover, a demand letter from an attorney MUST INCLUDE THE ATTORNEY'S STATE BAR LICENSE NUMBER.

If you believe the attorney who provided you with this notice and prelitigation demand letter is not complying with state law, you may send a copy of the demand letter you received from the attorney to the State Bar of California by facsimile transmission to 1-415-538-2171, or by mail to the State Bar of California, 180 Howard Street, San Francisco, CA 94105, Attention: Professional Competence.

STATE LAW REQUIRES THAT YOU GET THIS IMPORTANT ADVISORY INFORMATION FOR BUILDING OWNERS AND TENANTS

REDUCING YOUR DAMAGES. If you are a small business owner and correct all of the construction-related violations that are the basis of the complaint against you within 30 days of being served with the complaint, you may qualify for reduced damages. You may wish to consult an attorney to obtain legal advice. You may also wish to contact the California Commission on Disability Access for additional information about the rights and obligations of business owners.

COMMERCIAL TENANT. If you are a commercial tenant, you may not be responsible for ensuring that some or all portions of the premises you lease for your business, including common areas such as parking lots, are accessible to the public because those areas may be the responsibility of your landlord. You may want to refer to your lease agreement and consult with an attorney or contact your landlord, to determine if your landlord is responsible for maintaining and improving some or all of the areas you lease.